

Placer County

**ADMINISTRATIVE RULES
FOR AGRICULTURAL AND
OPEN SPACE PRESERVES**

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Administrative Rules for Agricultural and Open Space Preserves

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CHAPTER 6 - AGRICULTURAL AND OPEN SPACE PRESERVES

6.10 - Establishment of Agricultural and Open Space Preserve Program

The Placer County Agricultural and Open Space Preserve Program is established in compliance with the California Land Conservation Act of 1965, Sections 51200 et seq. of the California Government Code, referred to in these Rules as the "Williamson Act." The purposes of the Agricultural and Open Space Preserve Program are to protect agricultural lands for the continued production of agricultural commodities, and to protect certain other lands devoted to open-space uses, in compliance with the Williamson Act.

6.12 - Purpose and Applicability of Rules

- A. Purpose.** The purpose of these rules is to implement the provisions of the Williamson Act in Placer County. These rules are not intended to replace the Williamson Act, but are instead intended to be used in conjunction with applicable provisions of the Williamson Act.
- B. Applicability.** The rules in this Chapter provide standards and procedures for:
1. Application by landowners for the inclusion of land within agricultural or open space preserves;
 2. The review of preserve applications by the County, including determination of the eligibility of property for preserve status, and preserve contract preparation and content;
 3. Limitations on the land uses allowed on properties subject to preserve contracts, and requirements for landowners to maintain preserve status;
 4. The termination of preserve contracts by either the landowner or the County; and
 5. The monitoring of the Agricultural and Open Space Preserve program and enforcement of these Rules.

6.14 - Fees

In compliance with Williamson Act Section 51287, the Board of Supervisors shall establish fees for: the filing and processing of agricultural and open space preserve applications; the modification of land conservation contracts upon the subdivision and transfer of land subject to contract; modifications of boundaries between contracts; the review and approval of joint management agreements; the termination of a land conservation contract through the filing of a Notice of Nonrenewal, or the cancellation process; and the filing of a notice of rescission of nonrenewal. These fees shall be shown in the Planning Department Fee Schedule.

6.16 - Administration of Rules for Agricultural and Open Space Preserves

- A. These Rules shall be administered by the Placer County Planning Director, the Agricultural Commissioner, and Assessor, as described in these Rules.
- B. The Placer County Agricultural Commission is hereby appointed as the advisory board on agricultural preserves and contracts in compliance with Williamson Act 51239. The Placer County Planning Commission may also act as an Advisory Board where specified in these rules.
- C. Determinations of the Planning Director required by these Rules may be appealed in compliance with Zoning Ordinance Section 17.60.110 (Appeals).

6.20 - Agricultural Preserve and Contract Eligibility Requirements

An application for agricultural preserve and land conservation contract may be approved only if the Agricultural Commission and Board of Supervisors determine that the site proposed for preserve and contract complies with all of the following requirements and can, therefore, accommodate self-sustaining, commercially-viable agricultural operations.

- A. **Zoning.** The site shall be designated in one of the following zoning districts established by the Zoning Ordinance (Chapter 30 of the County Code).

Agriculture, Resource and Open Space Districts

Agriculture Exclusive (AE)
 Farm (F)
 Forestry (FOR)
 Open Space (O)

Residential Districts

Residential Agricultural (RA)
 Residential Forest (RF)

- B. **Minimum site area.** The site shall include the following minimum areas required by this Subsection.

- 1. **Minimum area for preserve.** Williamson Act Section 51230 establishes the minimum area for an agricultural preserve. A site proposed for preserve and contract shall:
 - a. Include parcels with a total area of 100 acres; or
 - b. Be adjacent to other parcels subject to land conservation contracts, so that the total area of contiguous parcels subject to contract is 100 acres or more; or

- c. Be located in an area with unique agricultural enterprises, where the establishment of an agricultural preserve with a total area of less than 100 acres is in the public interest and consistent with the General Plan.
2. **Minimum lot area for contract.** Individual parcels proposed for preserve and contract shall comply with the minimum lot area requirements shown in Table 1, based on the quality of site soils or the type of agricultural operation on the site.

**TABLE 1
MINIMUM LOT AREA TO QUALIFY FOR PRESERVE AND CONTRACT**

Land Type or Agricultural Operation	Minimum Lot Area to Qualify for Preserve and Contract
Prime agricultural lands	10 acres
Non-prime agricultural lands, intensively farmed (berries, orchards, vineyards, vegetables, etc.)	20 acres
Non-prime agricultural lands	40 acres

- C. **Established agricultural uses required.** The site shall be developed with an existing commercial agricultural operation engaged in the active production of an agricultural commodity. Qualifying agricultural operations may include, but are not limited to, the following:
 1. **Agricultural operations on prime soils.** Qualifying agricultural operations may include all types of: irrigated field crop production (vegetables, fruits, grains, seed crops, flowers, ornamental plants, etc.), dry farming operations (grain, etc.), orchards and vineyards, berries, etc.
 2. **Agricultural operations on non-prime soils.** Qualifying agricultural operations may include any of the activities described in Subsection C.I. above, or the raising of cattle, fowl or poultry, goats, sheep, swine, horses, llamas, or other animals.
 3. **Sites planted but without commercial production.** Property without existing agricultural production may be considered for preserve and contract only where the applicant demonstrates that site has been planted with trees or vines for orchard or vineyard operations, and that suitable irrigation facilities have been installed.

- D. Minimum agricultural income.** The applicant shall provide documentation demonstrating that existing, on-site agricultural operations have produced a minimum gross income of \$4,500 during the year prior to the filing of the application for preserve and contract, or \$4,500 average gross income over the previous three years; except in the case where a site is occupied by a planted, but as yet non-producing orchard or vineyard, as described in Subsection C.3. above.
- E. Ordinance compliance.** No land conservation contract shall be approved for any land where an existing land use or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, the Placer County Code, or any condition of approval of a land use permit where the violation is identified prior to the filing of a preserve application.

6.30 - Application Filing and Review

Agricultural and open space preserve and land conservation contract applications shall be prepared, filed, and processed in compliance with this Section, and Williamson Act Sections 51234 et seq., and 51247.

- A. Application preparation and filing.** Applications shall include the forms provided by the Planning Department, all information specified in the *Instructions for Agricultural Preserve Contract Applications*, provided by the Planning Department, and the non-refundable filing fee required by the most current Planning Department fee schedule. Applications shall be filed with the Planning Department.
- B. Application review and staff report.** A properly completed application shall be processed as follows.
- 1. Referral of application.** The Planning Department shall refer applications for preserve and land conservation contracts to the following agencies and individuals, in compliance with Williamson Act 51233:
 - a. Agricultural Commission;
 - b. Farm Advisor;
 - c. County Assessor;
 - d. Local Agency Formation Commission;
 - e. The Planning Commission, at the discretion of the Planning Director; and
 - f. Every City within one mile of the exterior 'boundary of the property proposed for preserve and contract.

2. **Scheduling of hearing by Agricultural Commission.** After receiving an application for preserve and contract, the Agricultural Commission shall schedule a hearing on the application not less than 15 nor more than 45 days from the date the application was received.
3. **Evaluation of application.** Upon receiving a notice of hearing in compliance with Subsection B.2. above, the Planning Department, Agricultural Commissioner, and Assessor shall review the application and provide written comments to the Agricultural Commission. In addition to any comments the Planning Department, Agricultural Commissioner, and Assessor may choose to provide, the following are required.
 - a. Where a site proposed for preserve and contract is not contiguous with other land in preserve and contract, the Planning Department shall determine and report whether the preserve is consistent or inconsistent with the General Plan, in compliance with Williamson Act Section 51234.
 - b. The Assessor shall provide the Agricultural Commission with the present appraised value and a general statement of the effect which a land conservation contract may have on the subject site.

C. Agricultural Commission hearing and recommendation. The Agricultural Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for preserve and contract.

1. **Notice of hearing.** The Agricultural Commission shall give notice of the hearing to the applicant, the Planning Department, and all other agencies and individuals listed in Subsection 8.1. above.
2. **Continuance of hearing.** The hearing may be continued from time to time, but not more than 30 days.
3. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a report in the form approved by the Board of Supervisors which recommends approval or disapproval of the preserve and contract, and if approved, the size and location of the preserve and parcels that should be subject to a land conservation contract.
4. **Distribution of recommendation.** Copies of the Agricultural Commission recommendation shall be sent to the applicant, the Board of Supervisors, the Planning Department, and all other agencies and individuals listed in Subsection B.I. above. The Planning Department shall also forward a copy of all application materials for the preserve and contract to the Board of Supervisors.

- D. Board of Supervisors hearing and decision.** Upon receipt of the information provided by the Agricultural Commission and Planning Department, the Clerk of the Board of Supervisors shall schedule a hearing on the application.
- 1. Notice and conduct of hearing.** The Clerk of the Board of Supervisors shall give notice of the hearing to the applicant, the Planning Department, and all other agencies and individuals listed in Subsection B.I. above. At the hearing, the Board shall consider the recommendations and comments of the Agricultural Commission and other County agencies, and all oral and written comments received on the application for preserve and contract.
 - 2. Continuance of hearing.** The hearing may be continued from time to time, but not more than 30 days.
 - 3. Board decision.** At the conclusion of the hearing, the Board shall determine whether the proposed agricultural preserve and land conservation contract shall be approved.
- E. Execution of contract.** After the approval of an agricultural preserve and land conservation contract by the Board of Supervisors, the Chair of the Board shall sign the contract. After contract execution, the contract shall be recorded in compliance with Williamson Act Section 51248 et seq.

6.40 - Land Conservation Contract Provisions

Land conservation contracts approved by the Board of Supervisors in compliance with these Rules shall contain the following provisions, in addition to any other requirements deemed necessary by the Board of Supervisors to comply with applicable provisions of these Rules or the Williamson Act.

- A. Term of contract.** The term of a land conservation contract shall be 10 years, in compliance with Williamson Act Section 51244. Beginning with the first year after the execution of a contract, one year is automatically added to the term of the contract for each year that elapses, to maintain an ongoing 10-year term, unless a notice of nonrenewal is served in compliance with Section 6.62 (Nonrenewal).
- B. Allowable land uses.** As required by Williamson Act Section 51243(a), the contract shall limit the uses allowed on the site to agricultural uses, and compatible uses in compliance with Section 6.52 (Limitations on Land Uses). The contract shall specify the compatible uses that may be established during the term of the contract in addition to the agricultural uses that qualified the property for preserve and contract in compliance with Section 6.20 (Agricultural Preserve Eligibility Requirements).

- C. Proposed development.** The contract shall specify that the applicant/landowner and/or any successors in interest shall not file with the County any application for the development of the site with any use other than those allowed by the contract in compliance with Subsection B. above, until no more than one year remains until the termination of the land conservation contract through the nonrenewal process (Section 6.62). Exceptions to this requirement are limited to:
1. Subdivisions in compliance with Section 6.54 (Subdivisions and Transfers of Property);
 2. A development proposal filed with an application for contract cancellation, in compliance with Section 6.64 (Cancellation); or
 3. A Specific Plan covering multiple ownerships with both noncontracted and contracted lands, where the plan proposes development of contracted lands only after the termination of their contracts through the nonrenewal process (Section 6.62).
- D. Transferability.** A land conservation contract shall run with the land until terminated through nonrenewal (Section 6.62) or cancellation (Section 6.64). In compliance with Williamson Act Section 51243(b), the terms of the contract shall be binding upon all successors in interest whether the entire property subject to contract is sold or otherwise transferred to a new owner, or the property is subdivided in compliance with these Rules. All contract provisions shall apply equally to all successors in interest.

6.50 - Agricultural Preserve Operational Requirements

Lands subject to agricultural preserve land conservation contracts shall be managed and maintained in compliance with the provisions of Sections 6.52, et seq.

6.52 - Limitations on Land Uses

- A. Compatible uses only.** Williamson Act Sections 51238 et seq. require that the County limit the uses of land allowed on contracted lands to those which are compatible with continuing agricultural operations. This Section determines the uses of land which are generally compatible with agricultural operations; however, the Agricultural Commission and Board of Supervisors shall require that an approved land conservation contract contain provisions which limit the compatible uses allowed under the specific contract. The specific compatible uses authorized under a contract shall be based on the type of agricultural operation that qualifies the site for the contract, and the type of agricultural operations on surrounding properties, that may be affected by the establishment of compatible uses on the subject site. The specific compatible uses authorized under a contract shall also consider the principles of compatibility provided by Williamson Act Section 51238 et seq.

- B. Allowable land uses.** After the execution of a land conservation contract, no land use shall be established on property subject to a contract except for the uses shown in Table 2, which shall also comply with the land use permit requirements and development standards of the Placer County Zoning Ordinance, Chapter 30 of the Placer County Code. Definitions of each of the land uses in Table 2 may be found in Subchapter 40 of the Zoning Ordinance (Definitions). For convenience, Table 2 shows the land use permit required by the Zoning Ordinance for each compatible use in the applicable zone district. However, in the event of any conflict between Table 2 and the requirements of the Zoning Ordinance, the Zoning Ordinance shall control.
- C. Relationship to primary agricultural uses.** Compatible uses allowed on property subject to a land conservation contract shall be clearly incidental or accessory to the primary use of the site for the production of agricultural commodities.

TABLE 2
ALLOW ABLE COMPATIBLE USES

TYPE OF LAND USE	PERMIT REQUIREMENT BY ZONE					
	RA	RF	AE	F	FOR	O
Agricultural, Resource and Open Space Uses						
Agricultural accessory structures	C	C	C	C	C	C
Agricultural processing	MUP	MUP	MUP	MUP	MUP	
Animal raising and keeping	(2)	(2)	(2)	(2)	(2)	(2)
Animal sales yards, feed lots, stockyards			CUP	CUP		
Chicken, turkey, and hog ranches			CUP	CUP		
Crop production	A	A	A	A	A	A
Fertilizer plants				CUP		
Fisheries and game preserves	A	A	A	A	A	A
Forestry	A	A	A	A	A	A
Grazing	A	A	A	A	A	A
Mining, surface and subsurface (1)	CUP	CUP	CUP	CUP	CUP	CUP
Oil and gas wells			CUP	CUP	CUP	CUP
Plant nurseries, retail			MUP	MUP	MUP	
Plant production nurseries	(2)	(2)	(2)	(2)	(2)	(2)
Water extraction and storage (commercial)	CUP	CUP	(2)	(2)	(2)	(2)
Manufacturing and Processing Uses						
Food Products			CUP	CUP		
Recreation, Education and Public Assembly Uses						
Campgrounds		MUP			MUP	MUP
Camping, incidental		A			A	A
Rural recreation		MUP	MUP	MUP	MUP	MUP
Residential Uses						
Caretaker and employee housing			MUP	MUP	MUP	
Farm labor housing	MUP		MUP	MUP		
Home occupations	C	C	C	C		
Residential accessory uses	C	C	C	C		
Single-family dwellings	C	C	C	C		
Secondary dwellings	ARP	ARP	ARP	ARP		
Temporary dwelling	C	C	C	C		
Retail Trade Uses						
Roadside stands for agricultural products	C	C	C	C	C	

TABLE 2
ALLOWABLE COMPATIBLE USES *(Continued)*

TYPE OF LAND USE	PERMIT REQUIREMENT BY ZONE					
	RA	RF	AE	F	FOR	O
Service Uses						
Kennels and animal boarding	MUP	MUP		MUP		
Medical services - Veterinary clinics/animal hospitals	MUP	MUP		MUP		
Public utility facilities	MUP	MUP	MUP	MUP	MUP	MUP
Storage, accessory	A	A	A	A	A	A
Storage of petroleum products for on-site use	(2)	(2)	C	C	C	MUP
Transient Lodging Uses						
Bed and breakfast lodging	MUP	MUP	MUP	MUP		
Transportation and Communications Uses						
Airfields and landing strips			CUP	CUP	CUP	CUP
Antennas, communications facilities	(2)	(2)	(2)	(2)	(2)	(2)
Pipelines and transmission lines	A	A	A	A	A	A

NOTES:

- (1) Approval of a Conditional Use Permit for a mineral extraction operation as a compatible use shall comply with Williamson Act Section 51238.2.
- (2) Permit requirements set by Article 17.56 of the Placer County Zoning Ordinance

Key to Permit Requirements	
Allowed use, zoning compliance required	A
Zoning clearance required	C
Administrative Review Permit required	ARP
Minor Use Permit required	MUP
Conditional Use Permit required	CUP

D. Limitation on residential uses. The purpose of allowing residential uses on land subject to a land conservation contract is to support on-site agricultural operations, and not to provide non-agricultural related rural homesites. The residential uses listed as allowable under a preserve contract by Subsection B. above shall be limited as follows.

1. One single-family dwelling shall be allowed per preserve contract for the owner/manager of the parcel(s) subject to the contract.
2. Additional single-family dwellings may be allowed on the parcel(s) subject to the contract only to the extent that the Agricultural Commissioner and the Planning Director determines that the nature and scale of the agricultural operations on

the site require agricultural labor in addition to the owner/manager. The maximum number of dwellings allowed by the Planning Director in compliance with this Section shall not exceed one single-family dwelling and one secondary dwelling per parcel of land that can meet the requirements of the Zoning Ordinance as a separate building site. Appeals of Planning Director determinations under this Section shall comply with Section 17.60.110 of the Zoning Ordinance (Appeals).

3. Dormitory/barracks-style farm labor housing may be allowed in compliance with the Zoning Ordinance instead of or in addition to the housing allowed by Subsection C.2. above, only to the extent that the Zoning Administrator determines that the nature and scale of the agricultural operations on the site require agricultural labor in addition to the owner/manager.

6.54 - Divisions and Transfers of Property

Proposed divisions of sites subject to land conservation contracts, and the transfer of title to all or any portion of a site that is subject to a contract, shall comply with the provisions of this Section. In the event of any division and/or transfer of ownership of all or part of a site subject to a land conservation contract, all contract provisions shall become binding on the new owner, except as otherwise provided by Section 6.62 (Nonrenewal).

- A. Minimum lot area for divisions.** The minimum lot area for parcels proposed in the division of a site that is subject to a land conservation contract shall be the larger of the area required by Section 6.20.B.2 (Minimum Lot Area for Contract), or the area required by Subchapter 5.100 of the Zoning Ordinance (Zone Districts and Allowable Uses of Land) for the zoning district applicable to the site. However, these minimum lot area requirements shall be considered as minimums and not maximums. Because the approval of any proposed land division is discretionary, the County may require parcel sizes larger than the designated minimum to ensure continuing agricultural viability. An agricultural viability report prepared by a County-approved agricultural economist will be required if the Agricultural Commission determines, during the division review process, that the size of proposed parcels is questionable in relation to their agricultural use and potential.

- B. Minimum area for property transfers.** The minimum lot area requirements of Subsection A. above also constitute the minimum area that can be separately conveyed or retained under single ownerships, except that the total land area described in any land conservation contract may be conveyed in its entirety to a new owner even if the total site is smaller than the minimum lot area for new subdivisions.
- C. Boundary line adjustments.** Boundary line adjustments may be approved where an equal area of land is exchanged between two or more parcels that are subject to the adjustment, so that no parcel being adjusted is reduced in area. A boundary line adjustment which results in the reduction of the area of any parcel subject to a land conservation contract shall not be approved unless the reduced area still complies with the requirements of Subsection A. above.
- D. Transfers to immediate family members.** The transfer of a portion of a contracted site to an immediate family member shall comply with Williamson Act 51230.1.

6.56 - Limitation on Development Proposals on Lands in Preserve

The applicant/landowner and/or any successors in interest in lands subject to a land conservation contract shall not file with the County any application for the development of the site, until no more than one year remains until the termination of the land conservation contract through the nonrenewal process (Section 6.62). Exceptions to this requirement are limited to:

- A. Subdivisions in compliance with Section 6.54 (Subdivisions and Transfers of Property);
- B. Proposals for development with a use allowed by the contract in compliance with Section 6.52 (Limitations on Land Use);
- C. A development proposal filed with an application for contract cancellation, in compliance with Section 6.64 (Cancellation); or
- D. A Specific Plan covering multiple ownerships with both non contracted and contracted lands, where the plan proposes development of contracted lands only after the termination of their contracts through the nonrenewal process (Section 6.62).

6.60 - Termination of Land Conservation Contracts

The allowed methods for terminating land conservation contracts include nonrenewal, cancellation, annexation to a City, and public acquisition. Requirements for contract termination by nonrenewal or termination are provided by Sections 6.62 and 6.64. It is the policy of the County to have contracts terminated by the nonrenewal process rather than by cancellation. Requirements for termination through annexation and public acquisition may be found in the Williamson Act.

6.62 - Nonrenewal

Nonrenewal is a primarily non-discretionary method for a landowner or the County to terminate a land conservation contract, in compliance with Williamson Act Sections 51245 et seq. Nonrenewal shall be initiated and completed as follows.

- A. Eligibility for filing.** A landowner under contract may terminate the contract on their property by serving a notice of nonrenewal of contract on the County .A contract can also be terminated by the County serving the notice of nonrenewal on a landowner.
- B. Service and termination dates.** The landowner or the County shall serve a notice of nonrenewal on the other party to the contract before the annual renewal date of the contract, as follows. A notice of nonrenewal shall be prepared using the form required by the Planning Department, and shall be filed with the Planning Department.
 - 1. Nonrenewal by landowner.** The written notice of nonrenewal shall be filed at least 90 days prior to the renewal date.
 - 2. Nonrenewal by County.** The written notice of nonrenewal shall be filed at least 90 days prior to the renewal date.

If either the landowner or the County fails to serve a notice of nonrenewal on the other party by the dates required by this Section, the contract shall be considered renewed for an additional year.

- C. County approval of partial nonrenewal.** County review and approval of a landowner-initiated notice of nonrenewal is required only for a notice of partial nonrenewal of contract, under the following circumstances.
 - 1.** The landowner acquired a portion of a larger property subject to a contract. The County policy is to approve such notices since the Williamson Act provides that any landowner, independent of other landowners subject to the same contract, may serve a notice of nonrenewal. However, a notice of this type shall cause County review of the other properties subject to the same contract to determine their continuing eligibility and to consider if and when the County should serve notices of nonrenewal on the other landowners under the contract.

2. The landowner requests termination of contract on a portion of their property. The request will be reviewed to determine if the portion to remain under contract (subject to continued annual renewal) complies with the contract eligibility requirements. If not, the landowner would need to decide whether to continue the entire property under the program or serve notice of nonrenewal on the entire property.

- D. **Protest of County-initiated nonrenewal.** Upon receipt by the owner of a notice of nonrenewal from the County, the owner may make a written protest of the notice of nonrenewal. The County, at any time prior to the renewal date, may withdraw the notice of nonrenewal.
- E. **Notification of State of California Director of Conservation.** Within 30 days of the receipt of a notice of nonrenewal from a landowner, the service of a notice of nonrenewal upon a landowner, or the withdrawal of a notice of nonrenewal, the Planning Department shall deliver a copy of the notice, or notice of withdrawal of nonrenewal, to the Director of Conservation.
- F. **Recordation of notice.** No later than 20 days after the County receives a notice of nonrenewal from a landowner, or withdraws a notice of nonrenewal, or within 20 days after the County approves a notice of nonrenewal on a portion of a contract in compliance with 6.62.C., above, the Clerk of the Board of Supervisors shall record with the County Recorder a copy of the notice of nonrenewal or notice of withdrawal of nonrenewal.
- G. **Notice of rescision of nonrenewal.** A landowner may rescind a notice of nonrenewal by filing a notice of rescision of nonrenewal with the Planning Department at any time prior to the renewal date of the contract.

6.64 - Cancellation

A landowner may request cancellation of a land conservation contract on all or a portion of the property subject to the contract, in compliance with Williamson Act Section 51280 et seq. However, cancellation can be approved only under extraordinary circumstances as provided in the Williamson Act.

- A. **Application for cancellation.** Applications shall include the forms provided by the Planning Department, all information specified in the *Instructions for Agricultural/ Preserve Contract Cancellation Requests*, provided by the Planning Department, a proposal for a specified alternative use of land, and the non-refundable filing fee required by the most current Planning Department fee schedule.
- B. **Application review and staff report.** A properly completed application shall be processed as follows.

1. **Referral of application.** The Planning Department shall refer applications for contract cancellation to the following agencies and individuals:
 - a. Agricultural Commission;
 - b. Farm Advisor;
 - c. County Assessor;
 - d. Local Agency Formation Commission;
 - e. The Planning Commission, and
 - f. Every City within one mile of the exterior boundary of the property proposed for preserve and contract.
 2. **Environmental determination.** The Planning Department shall review the cancellation application in compliance with the California Environmental Quality Act (CEQA).
 3. **Evaluation or application.** The Planning Department, Agricultural Commissioner, and Assessor shall review the application. The Planning Department shall prepare a staff report evaluating the compliance of the cancellation request with this Section, and with applicable provisions of the Williamson Act.
- C. **Agricultural Commission hearing and recommendation.** The Agricultural Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation of the preserve and contract.
1. **Notice of hearing.** The Agricultural Commission shall give notice of the hearing to the applicant, the Planning Department and all other agencies and individuals listed in Subsection B.I. above.
 2. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Planning Commission for the approval or disapproval of the cancellation.
 3. **Distribution of recommendation.** Copies of the Agricultural Commission recommendation shall be sent to the applicant, the Planning Commission, Board of Supervisors, the Planning Department, and all other agencies and individuals listed in Subsection B.I. above. The Planning Department shall also forward a copy of all application materials for the cancellation to the Planning Commission and Board of Supervisors.

- D. Planning Commission hearing and recommendation.** The Planning Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation.
- 1. Notice of hearing.** Notice of the public hearing shall be provided in compliance with Section 25.300 of the Zoning Ordinance (Public Hearings).
 - 2. Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Board of Supervisors for the approval or disapproval of the cancellation.
- E. Board of Supervisors hearing and decision.** Upon receipt of the information provided by the Planning Commission and Planning Department, the Clerk of the Board of Supervisors shall schedule a hearing on the application, provided that the Board shall not approve or disapprove a cancellation until the requirements of Williamson Act Section 51283 regarding cancellation fees have been satisfied.
- 1. Notice and conduct of hearing.** The Clerk of the Board of Supervisors shall give notice of the hearing in compliance with Subsection D., above, and Williamson Act Section 51284. At the hearing, the Board shall consider the recommendations and comments of the Planning Commission and other County agencies, and all oral and written comments received on the application for cancellation.
 - 2. Board decision.** At the conclusion of the hearing, the Board shall determine whether the required findings can be made, and based thereupon the proposed contract cancellation may be approved or disapproved.
- F. Required findings.** The approval of a cancellation request shall require that the Board of Supervisors first make all of the findings under one of the following two sets of findings to approve a cancellation request, in compliance with Williamson Act Section 51282.
- 1.** The cancellation is consistent with the purposes of the California Land Conservation Act of 1965. .
 - a.** A notice of nonrenewal has been served.
 - b.** Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - c.** An alternative use is proposed which is consistent with the County general plan.
 - d.** Cancellation will not result in discontinuous patterns of urban development.

- e. There is no proximate noncontracted land which is both available and suitable for the proposed alternative use, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate non contracted land, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land.
2. The cancellation is in the public interest.
- a. Other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965.
 - b. Same as item F.1.e. above.

The following provision applies to both alternatives: The uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

- G. Certificate of cancellation.** An approved cancellation shall be completed with the recordation of first a tentative certificate of cancellation, and then a final certificate of cancellation in compliance with Williamson Act Section 51283.4. Among other requirements, the approval of a cancellation shall be contingent upon the payment of the cancellation fee, computed under Williamson Act Section 51283 and 51283.1, and upon a requirement that the landowner obtain all permits necessary to commence the project, described as the alternative use of the land in the application, within one year.

6.70 - Enforcement of Agricultural Preserve Rules and Contract Provisions

The County shall monitor the agricultural preserve program for contract violations and take necessary actions to restrain breach of contracts or compel compliance with the terms of contracts.

- A. Enforcement of terms of conveyance.** Land use restrictions specified in a land conservation contract are binding on the owner who entered into contract or a succeeding owner, as long as the contract remains in effect. The owner is obligated to maintain the land in a condition that will not diminish the use or characteristics which originally qualified the property for the agricultural preserve program.
- 1. It is the responsibility of the Planning Department to monitor land divisions and combinations of parcels involving properties under contract particularly regarding minimum parcel size. It is the responsibility of the Assessor's Office to monitor all transfers of contracted properties.

2. Any conveyance, contract or authorization (whether oral or written) by the owner or successors in interest which would permit use of the property contrary to the terms of the contract may be declared void by the Board of Supervisors; such declaration or the provisions of the contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining breach thereof.
3. These remedies are non-exclusive and the County may take any other action legally available to enforce the terms of the contract. Alternatively or in addition, nonrenewal of the contract may be initiated by the County if deemed appropriate.

B. Enforcement of terms of land use and noncompliance.

1. It is the responsibility of the Assessor to monitor and verify the continuation of the uses of land on contracted properties which qualified the properties for land conservation contracts. If a site no longer meets the standards established in these Rules, the County may proceed with nonrenewal.
2. It is the responsibility of the Planning Department to monitor noncomplying uses of Williamson Act properties (i.e., those uses not indicated as "compatible" by Section 6.52.B. (Allowable Land Uses). In case of a violation, the landowner shall have a period of 90 days from the date of discovery to remove the noncomplying use. If it is not removed, nonrenewal may be initiated by the County, or the Board of Supervisors may authorize the initiation of an action in Superior Court to compel removal of the noncomplying use.
3. The Planning Department shall be responsible for initiating nonrenewal by the County, where required to enforce the provisions of these Rules.

C. County-Initiated Notices or Nonrenewal

1. **Nonrenewal required.** The County shall serve notices of nonrenewal of land conservation contracts on landowners if the Board of Supervisors through a public hearing finds that the conditions under which they originally qualified for the agricultural preserve program have been substantially diminished as indicated by the following.
 - a. Conveyance to new landowners of an existing parcel or parcels that are smaller than the minimum lot area applied to the agricultural preserve and contract.

- b. Changes in land use where an intensive agricultural use which originally qualified a property has been terminated and the owner has made no effort to re-establish a productive agricultural use. Examples are orchards that have been destroyed by frost or drought, orchards or vineyards that are no longer being maintained due to neglect or declining productivity, or animal specialty uses which have been terminated on small properties.
- c. Establishment of a land use on the site other than those allowed by Section 6.52 (Limitations on Land Uses).

2. Processing procedures. The following are the procedures for processing a County-initiated notice of nonrenewal by the Planning Department once the need to consider nonrenewal has been determined by the Planning Department and Assessor.

- a. Prepare an environmental assessment for the proposed notice of nonrenewal.
- b. Schedule a meeting of the Agricultural Commission, including notification of the landowner, for their review and recommendation on the proposed notice of nonrenewal and environmental document (i.e., notice of exemption, negative declaration or environmental impact report).
- c. Prepare a staff report and notice of nonrenewal for the Board of Supervisors if the Agricultural Commission recommends that the County proceed with the nonrenewal.
- d. Schedule a public hearing before the Board of Supervisors to consider the proposed notice of nonrenewal and environmental document, and notify the landowner of the Board hearing date and the landowner's right to protest the proposed notice of nonrenewal.
- e. If approved by the Board of Supervisors, the notice of nonrenewal is executed by the Chair and mailed to the landowner .
- f. The County, at any time prior to the nonrenewal date, may withdraw the notice of nonrenewal.
- g. A copy of the notice of nonrenewal and any written protest received shall be filed by the County Clerk and copies shall be transmitted to the Assessor.
- h. The notice of nonrenewal shall then be recorded by the County Recorder.

6.80 - Open Space Preserve Contracts

The Williamson Act provides that agricultural preserves may consist of land devoted to open-space or recreational uses. This Section provides the opportunity for the protection of certain non- agricultural open space lands which the General Plan classifies as desirable open space or environmentally sensitive, and other lands with environmental characteristics determined by the Board of Supervisors to be of high value to the current and future residents of Placer County .

- A. Eligibility standards.** The diversity of open-space uses and natural characteristics necessitate careful review of applications on a case-by-case basis, and, if approved, land conservation contracts will need to be tailor-made to identify and protect the uses and features that qualify properties for the preserve program. The following provisions describe the minimum eligibility standards and contract restrictions to protect qualifying open-space uses.
1. **Zoning.** Land to qualify for an agricultural preserve based on open-space uses may be located within any zone district listed in Section 6.20.A. (Zoning). Within one year after an open space preserve is established and the owner enters into a land conservation contract, the County will initiate a rezoning, if necessary, to include the property in the Open Space (O) zoning district, in compliance with Williamson Act Section 51252.
 2. **Preserve and site area.** The minimum site area for open space preserves and land conservation contracts shall be twice the minimum lot area required by the applicable zoning district for proposed subdivisions. The preserve may consist of one or more individually qualifying ownerships as follows:
 - a. A single ownership of not less than twice the minimum lot area required by the applicable zoning district, and not less than 40 acres; or
 - b. Any ownership of not less than 20 acres which is adjacent to an existing agricultural or open space preserve.
 3. **Open-space uses.** Qualification of any property requires compliance with anyone of the specific definitions of open-space use in Section 6.90 (Definitions).
- B. Application filing and processing.** The preparation, filing, and processing of an open space preserve application shall comply with Section 6.30 (Application Filing and Review).
- C. Land use restrictions.** Land subject to a land conservation contract for open space protection shall be subject to the following restrictions.

1. **Land division.** The minimum lot area for new land divisions in preserves consisting of open-space uses is twice the minimum lot area required by the applicable zoning district. This requirement shall prevail over minimum lot area standards that may otherwise be allowed by the Zoning Ordinance.
 2. **Minimum ownership size.** If a property subject to contract consists of two or more existing parcels, the smallest parcel or contiguous parcel area that can be conveyed to a new owner or retained by the existing owner is twice the minimum lot area required by the applicable zoning district, except that the entire acreage described in a contract may be conveyed to a new owner.
 3. **Open-space use limitations.** The Planning Department staff report on an application shall include recommendations identifying the existing open-space use, compatible land uses, and measures to maintain and protect the qualifying use and important natural features occurring on the property. The land conservation contract shall include the land use standards and conditions that are adopted for the preserve. Each contract shall refer to allowable agricultural, resource, and open space uses in the Zoning Ordinance, and specify any necessary limitations on use to ensure protection of the open-space use.
- D. Contract provisions.** Land conservation contracts for the preservation of lands devoted to open space uses shall comply with the provisions of Section 6.40 above (Land Conservation Contract Provisions), except that the term of the contract shall be a minimum of 20 years.
- E. Termination of contracts.** The termination of a land conservation contract for open space uses shall comply with the provisions of Section 6.60 (Termination of Land Conservation Contracts) above.
- F. Enforcement.** The enforcement by the County of the provisions of a land conservation contract for an open space preserve shall comply with Section 6.70 (Enforcement of Agricultural Preserve Rules and Contract Provisions).

6.90 - Definitions

The following terms and phrases are hereby defined for the purposes of these Rules.

Open-space use. The use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the protection of significant ecological resources, if the land is within one of the following defined areas:

1. A "scenic highway corridor" which is an area adjacent to, and within view of, the right-of-way of:

- a. An existing or proposed state scenic highway in the state scenic highway system established by the State Legislature in compliance with Streets and Highways Code Sections 260 et seq. and which has been officially designated by the State Department of Transportation as an official state scenic highway; or
 - b. A County scenic highway established in compliance with Streets and Highways Code Sections 260 et seq., or a County scenic highway referenced in the General Plan, Community Plan, or applicable Specific Plan.
- 2. A "significant ecological resource area, " which is an area identified by the General Plan as being ecologically significant, or is otherwise determined by the Board of Supervisors through the process of open space preserve application review to be ecologically significant because the area includes:
 - a. Wetland areas including vernal pools;
 - b. Stream environment zones;
 - c. Any habitat for rare, threatened, or endangered animals or plants;
 - d. Critical deer ranges (winter and summer), migratory routes and fawning habitat;
 - e. Large areas of non-fragmented natural habitat, including Blue Oak Woodlands, Valley Foothill Riparian, vernal pool habitat;
 - f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammal migratory routes, and known concentration areas of waterfowl within the Pacific Flyway; or
 - g. Important spawning areas for anadromous fish.
- 3. Other open space lands which the Board of Supervisors deems as being of public benefit and included in one of the four types of open space defined in Government Code Section 65560.

Non-prime agricultural land. Non-prime agricultural land consists of property used for the production of food or fiber, with soils that qualify for rating as classes III through VII in the Soil Conservation Service land capability classifications.

Prime agricultural land. Means any of the following, in compliance with Williamson Act Section 51201 :

- 1. All land which qualifies for rating as class I or class II in the Soil Conservation Service land capability classifications.

2. Land which qualifies for a rating of 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

Production of agricultural commodities. Any type of commercial agricultural operation that produces any of the following products, including but not limited to all types of: irrigated field crop production (vegetables, fruits, grains, seed crops, flowers, ornamental plants, etc.), dry farming operations (grain, etc.), orchards and vineyards, berries, etc.; and animal raising operations such as the raising of cattle, fowl or poultry, goats, sheep, swine, horses, llamas, or other animals; but not including timber production.

Recreational use. The use of land by the public, with or without charge, for walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.

Williamson Act. The term "Williamson Act" means California Government Code Sections 51200 et seq., as they may be amended from time to time.